

AMENDMENTS TO THE CLAIMS

1.-59. (Canceled)

60. (Currently amended) An implant for placing between spinous processes, the implant comprising:

a body with a shaft extending there from, the shaft ~~disposed along~~ having a longitudinal axis;

a spacer ~~that is~~ rotatably mounted on said shaft;

the body further comprising a first endcap facing said spacer that is disposed generally transverse to said longitudinal axis and extends radially outward from said shaft;

~~wherein the spacer is adapted to be inserted between the spinous processes in a direction along the longitudinal axis; and~~

said spacer including a compressible medium with a bore provided therethrough, with the shaft received in said bore, such that the spacer can rotate relative to said shaft, ~~and wherein the compressible medium has a graduated stiffness.~~

61. (Original) The implant of claim 60 wherein said spacer is cylindrical in shape.

62. (Original) The implant of claim 60 wherein said spacer is elliptical in shape.

63. (Original) The implant of claim 60 wherein said spacer is oval in shape.

64. (Original) The implant of claim 60 wherein said space is egg-shaped.

65. (Original) The implant of claim 60 wherein said compressible medium is silicone.
66. (Original) The implant of claim 60 wherein said compressible medium is a higher molecular weight polymer.
67. (Original) The implant of claim 60 wherein the hardness of the compressible medium is graduated from less hard at a distance from the bore to more hard closer to the bore.
- 68.-96. (Canceled)
97. (Original) The implant of claim 60 wherein the compressible medium is a thermoplastic elastomer.
- 98.-105. (Canceled)
106. (Original) The implant of claim 60 wherein the compressible medium is polycarbonate urethane.
107. (Canceled)
108. (Previously presented) The implant of claim 60 wherein a cross-section through the spacer is elliptical in shape.
109. (Previously presented) The implant of claim 60 wherein a cross-section through the spacer is circular in shape.

- 110. (Previously presented) The implant of claim 60 wherein a cross-section through the spacer is egg-shaped.
- 111. (Canceled)
- 112. (Previously presented) The implant of claim 60 wherein the compressible medium is adapted to contact the spinous processes when the spacer is inserted between adjacent spinous processes.
- 113. (Previously presented) The implant of claim 60 wherein a cross-section of the spacer is oval in shape.
- 114.-118. (Canceled)
- 119. (New) The implant of claim 60 wherein said shaft comprises a central bore extending along said longitudinal axis.
- 120. (New) The implant of claim 60 further comprising a second endcap disposed in spaced relation to said first endcap and generally transverse to said longitudinal axis, said spacer disposed between said first and second endcaps.
- 121. (New) The implant of claim 120 wherein said first and second endcaps are integrally formed with said shaft.
- 122. (New) The implant of claim 60 wherein said first and second endcaps face each other and are disposed on opposing ends of said shaft.

123. (New) The implant of claim 60 wherein said first endcap is integrally formed with said shaft.
124. (New) The implant of claim 60 wherein said first endcap constrains displacement of said spacer along said longitudinal axis.
125. (New) The implant of claim 60 wherein said first endcap has a rounded face oriented toward said spacer and annular with respect to said shaft.
126. (New) The implant of claim 60 wherein said compressible medium has a graduated stiffness.
127. (New) The implant of claim 60 wherein said spacer is adapted to be inserted between the spinous processes in a direction along the longitudinal axis.
128. (New) An implant for placing between spinous processes, the implant comprising:
- a elongate central member having a longitudinal axis;
 - a flange disposed toward one end of said central member in a transverse orientation to said longitudinal axis;
 - a compressible spacer disposed circumferentially about said central member and rotatable relative thereto;
- said flange disposed so as constrain displacement of said spacer relative to said central member in a first direction along said longitudinal axis when said spacer is disposed between the spinous processes.

- 129. (New) The implant of claim 128 wherein said compressible medium has a graduated stiffness.
- 130. (New) The implant of claim 128 wherein said spacer is adapted to be inserted between the spinous processes in a direction along the longitudinal axis.
- 131. (New) The implant of claim 128 wherein a cross-section through the spacer is rounded in shape.
- 132. (New) The implant of claim 128 wherein the compressible medium is adapted to contact the spinous processes when the spacer is inserted between adjacent spinous processes.
- 133. (New) The implant of claim 128 wherein said shaft comprises a central bore extending along said longitudinal axis.
- 134. (New) The implant of claim 128 further comprising a second flange disposed in spaced relation to said first flange and generally transverse to said longitudinal axis, said spacer disposed between said first and second flanges.
- 135. (New) The implant of claim 134 wherein said second flange abuts said spacer so as to constrain displacement of said spacer relative to said central member in a second direction, generally opposite said first direction, along said longitudinal axis when said spacer is disposed between the spinous processes.
- 136. (New) The implant of claim 134 wherein said first and second flanges are integrally formed with said shaft.

137. (New) The implant of claim 128 wherein said first flange has a rounded face oriented toward said spacer and is disposed annularly with respect to said shaft.